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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/507,102      | 04/11/2005  | Helmut Kunkel        | KUNKEL1             | 2041             |

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WASHINGTON, DC 20001-5303

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| EXAMINER |
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HAQ, MOHAMMAD AAMIR

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| ART UNIT | PAPER NUMBER |
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2614

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09/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |                                       |  |
|------------------------------|--------------------------------------|---------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/507,102 | <b>Applicant(s)</b><br>KUNKEL, HELMUT |  |
|                              | <b>Examiner</b><br>Aamir Haq         | <b>Art Unit</b><br>2614               |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 4 and 5 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n).

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "the caller" in third paragraph. There is insufficient antecedent basis for this limitation in the claim. Correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 5,511,112 (Szlam) in view of US 7,006,607 (Garcia).

**As to claim 1**, Szlam teaches a method for operating a call center, wherein incoming external telephone calls are automatically distributed to terminals to be answered by call center agents, comprising the process steps:

- connecting of an external call to a free terminal of an agent (36 in fig. 3);
- storing a message an audio message by the agent (43 in fig. 3, col. 2 lines 55 – 58, and col. 8 lines 33 – 41 and 48 – 50)
- automatic assignment of the message to the existing connection (43 and 44 in fig. 3, col. 2 lines 55 – 67, and col. 8 lines 33 – 41 and 48 – 50)
- forwarding the call to a separate hold line (44 in fig. 3, Abstract, col. 2 lines 38 – 42, and col. 3 lines 45 – 48)
- renewed connection of the held call to a free terminal of an agent (col. 2 line 65 – 67 and col. 3 lines 22 – 28)
- playback of the message assigned to the hold connection (44 in fig. 2)

Szlam does not disclose expressly that the message stored concerns the content of the call between the caller and the agent and that the playback of the message is at the subsequent agent's terminal. However, Garcia discloses an apparatus in which an agent can record a message concerning the content of the call and the message can be played at the subsequent agent's terminal (col. 3 lines 56 – 60 and lines 66 – 67, col. 8 lines 45 – 54, and col. 9 lines 53 – 64). Specifically, Garcia discloses an apparatus that enables "the agent to record, edit, and store messages." A data repository stores these messages and the "system provides whispered information to agents about the callers, not audible to the callers, to aid the agents in dealing with calls." For example, the message could state, "set this customer up as a new VIP account" or "offer this customer an additional 10% discount."

At the time of the invention it would have been obvious to one of ordinary skill in the art to provide comment recording ability in the system of Szlam in view of the teachings of Garcia. The motivation for doing so would have been "to aid the agents in dealing with the calls" (col. 3 line 59 of Garcia) and thus provide a higher level of customer service. Moreover, such information would inform the agent of "customer importance and treatment." For example, a VIP client should be provided a higher level of service than an ordinary caller. As discussed in Garcia, "there are limitless possibilities" (col. 9 line 61 of Garcia). In addition, the agent could be informed of comments or notes from previous communications with other agents.

**As to claim 2**, Szlam and Garcia both disclose that the stored message is an audio file played back acoustically (see col. 2 lines 56 – 57 of Szlam and col. 8 lines 45 – 53 of Garcia).

**As to claim 3**, Garcia teaches that the saved message is played back automatically prior to establishing the renewed connection to the terminal (col. 8 lines 45 – 53 and col. 9 lines 53 – 64 of Garcia).

**As to claim 4**, Szlam teaches that the separate hold line is connected to an interactive voice response, so that the renewed connection to a terminal can be initialized by the external caller (45 in fig. 3 and col. 3 lines 45 – 48 of Szlam).

**As to claim 5**, Szlam teaches that the external call is initially connected to a first terminal of a first agent, and that the held connection is transferred from the hold line to a second terminal of a second agent (col. 2 line 67 – col. 3 line 2 and col. 3 lines 18 – 27 of Szlam).

**Conclusion**

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


US 5,181,236 (LaVallee et al.)

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aamir Haq whose telephone number is 571-272-5511.


The examiner can normally be reached on Mon thru Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



A.H.  
September 7, 2007

  
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